

REMARKS

Claims 1, 4, 6-10, 13, 15-21 and 23-26 are pending in this application. By this Amendment, claims 1 and 10 are amended. No new matter is added. Reconsideration of the present application based on the above amendments and the following remarks is respectfully requested.

I. The Claims Define Allowable Subject Matter

Claims 1, 4, 6-10, 13, 15-21, and 23-26 are rejected under 35 U.S.C. §103(a) over WO 92/22983 to Browne et al in view of U.S. Patent No. 4,963,995 to Lang. This rejection is respectfully traversed.

Claims 1 and 10 are amended for consistency and clarity. No new matter is added.

Claims 1 and 10 recite, *inter alia*, a playback system for replaying the first indexed portion of the recording during the simultaneous recording of the current second indexed portion of the on-going activity while the replayed first indexed portion is simultaneously being re-recorded and indexed to the current second indexed portion of the on-going activity.

Browne allows a user to play "program information simultaneously with the storing of program information" (page 3, lines 26-28). Browne further clarifies the aforementioned statement by disclosing that it allows the user "to view programs while simultaneously recording one or more other programs" (page 2, lines 16-17). A person of ordinary skill in the art would have understood the disclosure to mean that a user is only allowed to view program information relating to one program while simultaneously recording one or more other programs.

To the contrary, the claims enable a user to review a previously recorded and indexed portion of an on-going activity while simultaneously recording and indexing that replayed portion of the activity with the current indexed portion of the same on-going activity. In this manner, the previously recorded and indexed portion is simultaneously re-recorded and

re-indexed with the developing proceedings of the on-going activity as described at page 7, lines 4-6 of Applicant's specification. Browne fails to teach or suggest any such feature. This feature allows a user to view a previously recorded and indexed portion of an activity during the recording of another portion of the ongoing activity itself. Browne cannot perform such a claimed feature. Moreover, one of ordinary skill in the art would not have been able to achieve such a feature from Browne without undue experimentation.

Furthermore, the claims include the indexing of portions of an on-going program/activity. Browne only teaches the indexing of a program in its entirety. There is nothing found in the specification, figures or the claims of Browne showing how to index portions of an on-going program.

Lang fails to overcome the deficiencies of Browne with respect to independent claims 1 and 10. Even if combined, the combination shows the viewing of a program while simultaneously recording another program, and the indexing of a program in its entirety, not in portions. Accordingly, claims 1 and 10 patently distinguish over Browne and Lang and are therefore allowable.

Dependent claims 4, 6-9, 13, 15-21, and 23-26 are allowable for their dependence on allowable base claims and for the additional features recited therein. Accordingly, withdrawal of the rejection of the claims under 35 U.S.C. §103(a) is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 4, 6-10, 13, 15-21, and 23-26 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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